



Maryland Department of Juvenile Services Prison Rape Elimination Act 2016 Annual Report

The Department of Juvenile Services has a zero tolerance policy for all acts of sexual abuse and harassment. The Department has established the Elimination and Reporting of Sexual Abuse and Harassment Policy and Procedures pursuant to the Prison Rape Elimination Act (PREA) Juvenile Facility Standards, to prohibit and prevent sexual abuse and harassment and to detect, report, investigate, and address any allegation of abuse or harassment involving any youth in the custody of the Department and its licensed or contracted residential program providers.

In 2003, President Bush signed the Prison Rape Elimination Act (PREA) into law. In August 2012 the Department of Justice (DOJ) published national standards for implementation by federal, state, and local correctional organizations. The intended purpose of these standards was to provide comprehensive guidelines for preventing, detecting, and eliminating incidents of sexual abuse and harassment involving adult inmates and youth in detention and residential facilities. The Maryland Department of Juvenile Services (Department, DJS, agency) has mandated all state operated residential facilities to comply with PREA Juvenile Facility Standards.

The Department is committed to providing safe and secure residential environments for youth. Extensive efforts are taken to comprehensively investigate all reported allegations of sexual abuse and harassment. Allegations are reported to the Department of Social Services Child Protection Services Unit, the Maryland State Police and the DJS Office of the Inspector General for investigation. Facility management teams are required to review all investigations to determine the need for corrective actions, which may include policy and procedure revisions, physical plant modifications, staff and youth discipline.

Pursuant to PREA Juvenile Facility Standards §115.387 and §115.388, the Department is mandated to collect data for each allegation of sexual abuse occurring in its facilities. This data must include, at a minimum, the data required to answer all questions from the most recent version of the Survey of Sexual Victimization conducted by the Department of Justice Bureau of Statistics. Additionally, the Department is required to obtain incident-based and aggregate data from contracted private providers. The agency has redacted specific material from publication such as personal identifying information and information that would present a clear and specific threat to the safety and security of the agency's facilities.

This report presents the DOJ Survey of Sexual Victimization data for the past three calendar years, 2013, 2014, and 2015. Data is categorized in the following areas.

- Youth-on-Youth Nonconsensual Sexual Acts
- Youth-on-Youth Abusive Sexual Contact
- Staff-on-Youth Sexual Misconduct
- Staff-on-Youth Sexual Harassment
- Youth-on-Youth Sexual Harassment (added by DOJ in 2013)

The DOJ Survey of Sexual Victimization defines the following four investigation outcomes.

- **Substantiated** - the event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).
- **Unsubstantiated** - the investigation concluded that evidence was insufficient to determine whether or not the event occurred.
- **Unfounded** - the investigation determined that the event did not occur.
- **Investigation Ongoing** - evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

SECTION I

STATE OPERATED FACILITIES

Figure 1. Demographics

The following aggregate data depicts the basic demographics by total admissions and discharges, yearly census, gender, and age for populations in state operated facilities.

	2013	2014	2015
Number of DJS facilities holding youthful offenders	14	14	14
Total Census December 31	494	427	448
Male	441	383	408
Female	53	44	40
Age 17 and younger	409	354	389
Age 18-20	85	72	59
Age 21 or older	0	1	0
Annual Total - youth admitted	5,522	4,375	3,983
Annual Total - youth discharged	5,557	4,445	3,962

Figure 2. Aggregate data for calendar year 2013 by category.

DJS 2013 Total Reports – 13 Substantiated – 3

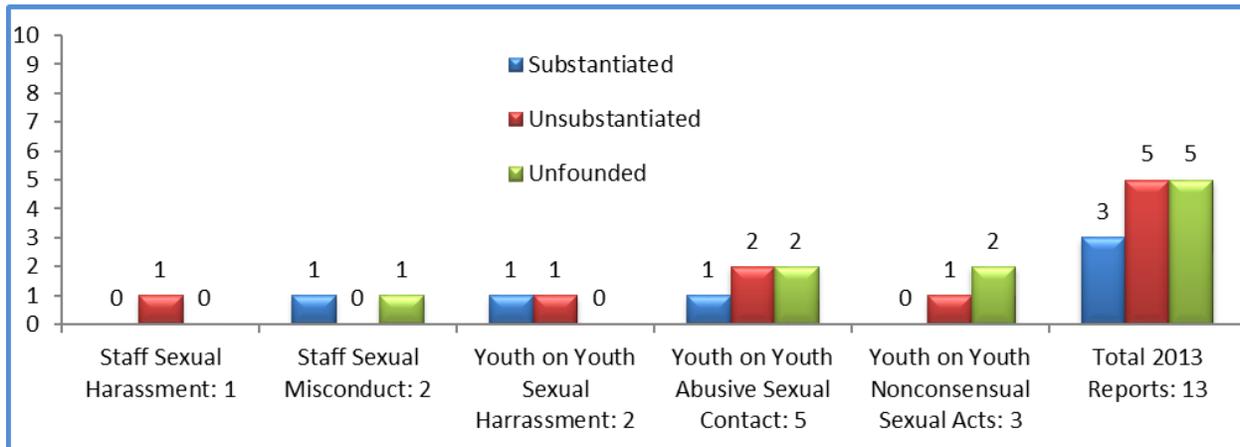


Figure 3. Aggregated data for calendar year 2014 by category.

DJS 2014 Total Reports- 9 Substantiated - 1

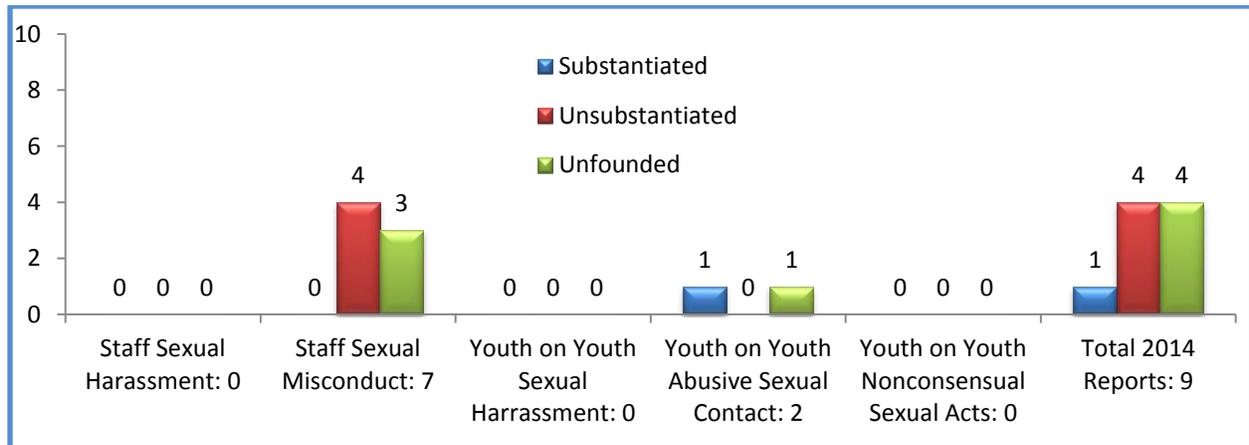


Figure 4. Aggregated data for calendar year 2015 by category.

DJS 2015 Total Reports- 13 Substantiated – 3

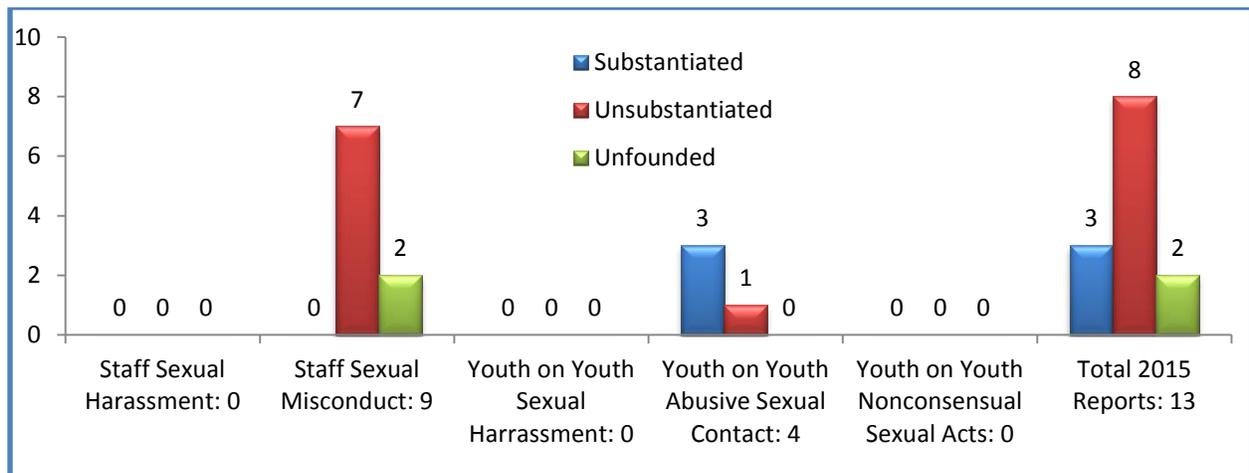


Figure 5, 6, and 7. Aggregate data by facility for calendar year 2013, 2014, and 2015.

Figure 5-Total Reported Allegations (13)

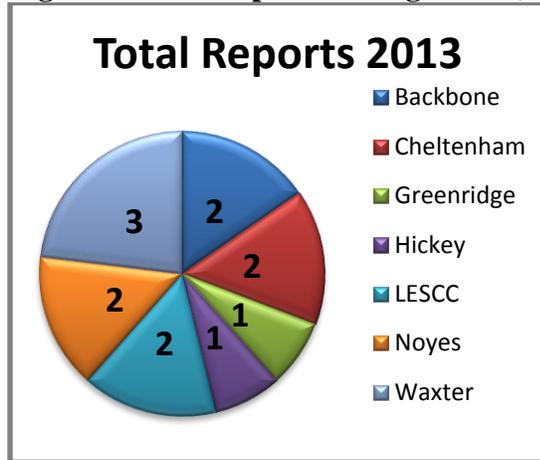


Figure 6-Total Reported Allegations (9)

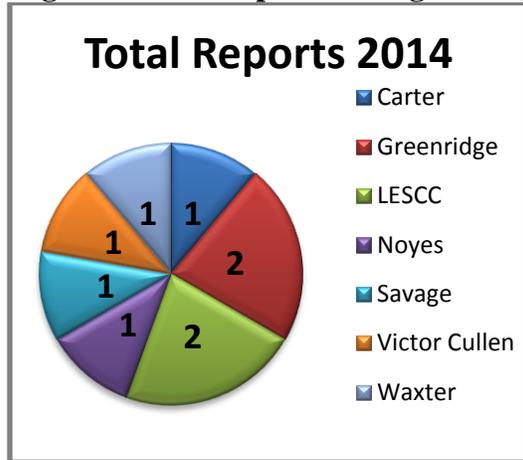
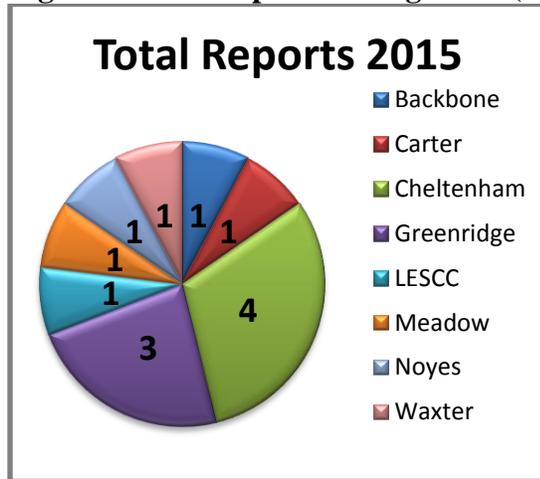


Figure 7. Aggregate data by facility for calendar year 2015.

Figure 7-Total Reported Allegations (13)



Legend – DJS Facilities:

- Backbone Mountain Youth Center
- Cheltenham Youth Facility
- Green Ridge Youth Center
- Charles H. Hickey, Jr. School
- J. DeWeese Carter Children’s Center
- LESCC - Lower Eastern Shore Children’s Center
- Alfred D. Noyes Children’s Center
- Savage Mountain Youth Center
- Thomas J.S. Waxter Children’s Center
- Victor Cullen Center
- Meadow Mountain Youth Center

Facility Analysis

The Maryland Department of Juvenile Services operates seven detention centers and six residential facilities. In 2015, there were thirteen alleged incidents of sexual abuse reported across eight facilities. The 13 incidents included four allegations of youth on youth sexual contact and nine allegations of staff misconduct. Administrative and criminal investigations were conducted for all incidents resulting in a finding of three (3) substantiated allegations for youth on youth abusive sexual contact. There were no substantiated findings of staff sexual misconduct.

In 2015 incidents of substantiated youth on youth sexual contact increased by two compared to one incident in 2014. Investigations revealed a need for more proactive intervention by staff and additional training has been provided. The three substantiated youth on youth incidents occurred at three different facilities and involved all female youth. Investigations revealed that one incident was consensual and two incidents occurred without consent. Youth were separated and disciplined in accordance with the facility's behavioral management program. The facilities and reported incidents were as follows.

Lower Eastern Shore Children's Center – Nonconsensual incident - female youth reported that a female youth touched her breasts and buttocks.

Thomas J.S Waxter Children's Center – Nonconsensual incident - female youth reported that a female youth touched her buttocks, rubbed her leg, and on one occasion gave her a hug and touched her breasts.

J. DeWeese Carter Center - Consensual – female youth permitted another female youth to touch her vaginal area.

Nine (9) allegations of staff sexual misconduct were reported in 2015. Investigations determined that none of the allegations were substantiated. Two investigative outcomes were unfounded and seven were unsubstantiated. A review of the incidents indicated that two allegations followed pat down searches, which indicated a need to continue to educate youth regarding the proper steps of a pat down search. The additional seven allegations appeared to be related to youth retaliatory behavior towards staff associated with discipline. The installation of additional video surveillance has proved very helpful in investigating these and all other allegations. Interventions will continue to focus on pat down training, de-escalation techniques to reduce restraints, and education of youth regarding accountability for false allegations.

SECTION II

PRIVATE PROVIDERS

Figure 8. Basic Demographics*

	2013	2014	2015
Number Private Providers Servicing DJS Youth*	48	61	56
Total Census December 31	419	434	311
Male	355	348	250
Female	64	86	61
Age 17 and younger	295	290	207
Age 18-20	124	143	104
Age 21 or older	0	1	0
Annual Total youth admitted	826	933	637
Annual Total youth discharged	882	1,006	770
*Includes all contracted providers housing DJS committed youth in Maryland and out of state, except for RTC's and Foster Care Programs.			

Figure 9. Aggregate data for calendar year 2013 by category.

Private Facilities – Total Reports 10 Substantiated – 0

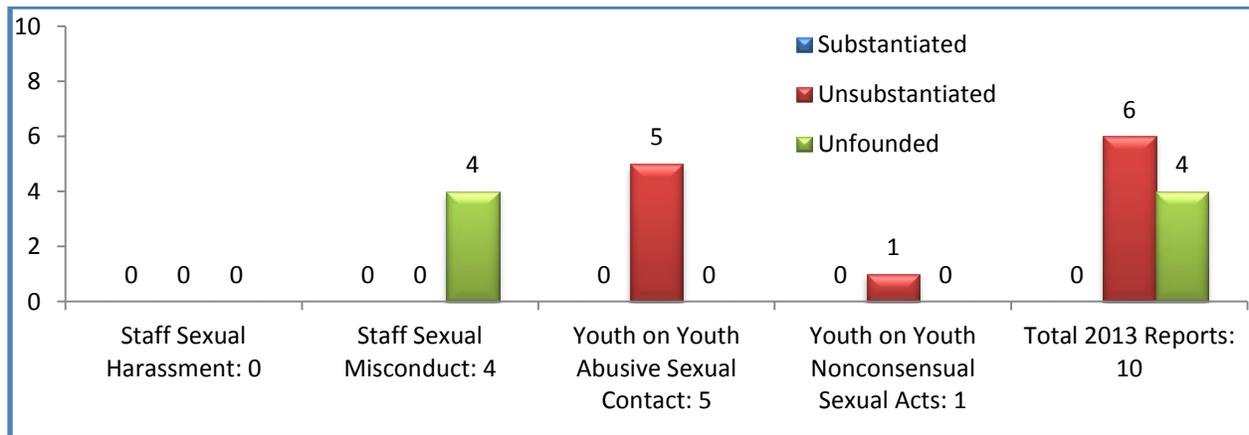


Figure 10. Aggregate data for calendar year 2014 by category.

Private Facilities-Total Reports - 5 Substantiated - 2

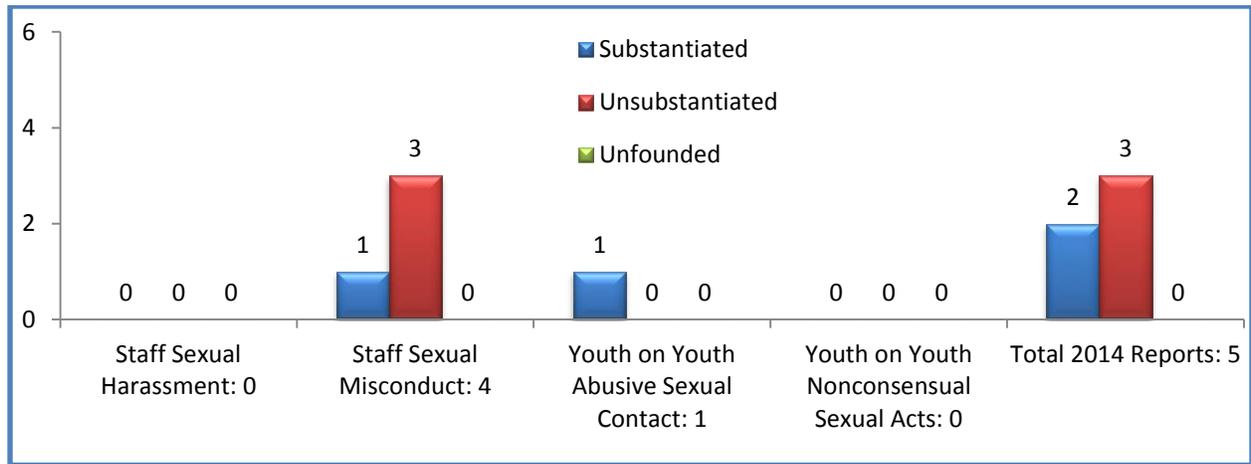


Figure 11. Aggregate data for calendar year 2015 by category.

Private Facilities-Total Reports - 9 Substantiated – 3

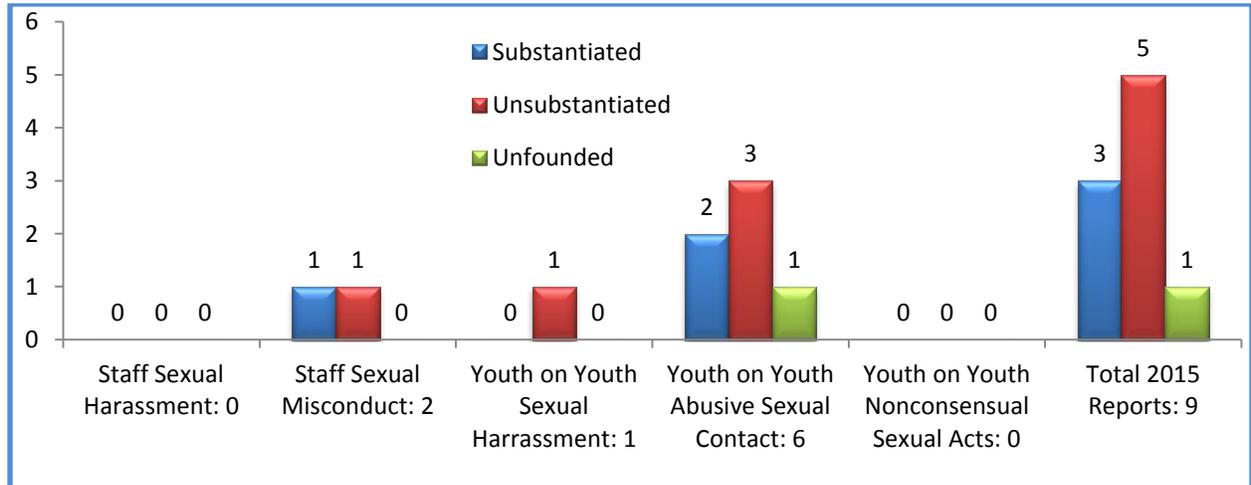


Figure 12, 13 and 14. Aggregate data by facility for calendar year 2013, 2014, and 2015.

Figure 12-Total Reported Allegations (10)

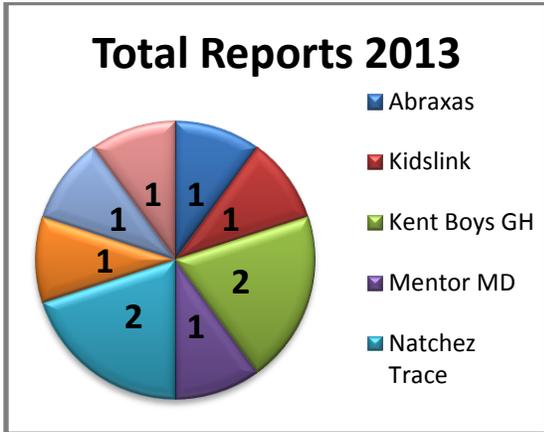


Figure 13-Total Reported Allegations (5)

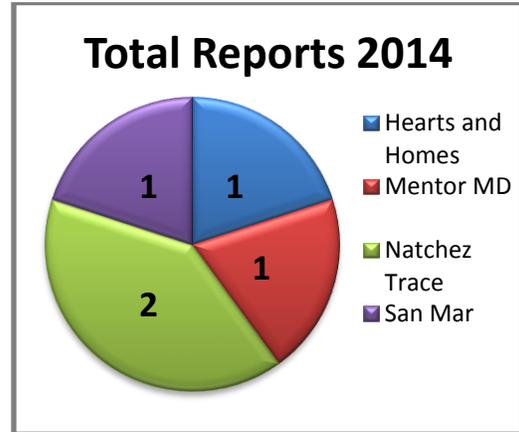
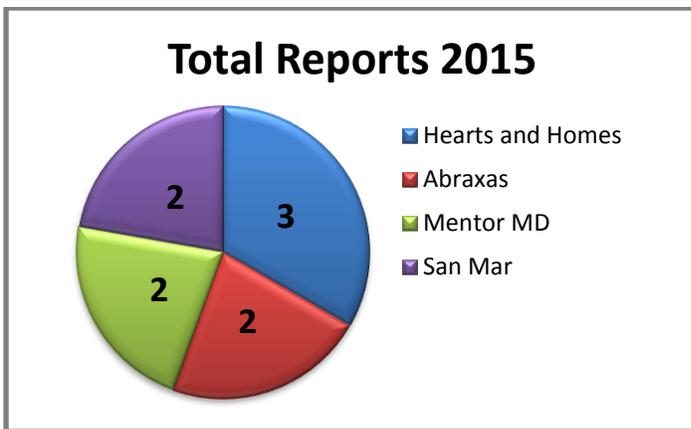


Figure 13-Total Reported Allegations (9)



Legend - Private Providers:

- Cornell Abraxas- PA
- Hearts and Homes - MD
- Kidslink Foundation for Living - OH
- Mentor MD
- Natchez Trace Youth Academy – TN
- Kent Boys Group Home- MD
- San Mar - MD

Private Provider Facility Analysis

The Department contracts with over one hundred private providers and contractually requires their adherence to PREA standards. Private provider services are monitored by the DJS Quality Assurance Unit.

In 2015, there were nine (9) incidents reported across four facilities for which investigations determined that three (3) incidents were substantiated. The three substantiated cases consisted of two incidents of youth-on-youth abusive sexual contact and one incident of staff sexual misconduct. The three substantiated cases of sexual abuse occurred in the following programs and corrective action was given.

Hearts and Homes, Inc. - The substantiated case of youth on youth abusive sexual contact involved two youth. The provider took immediate action and separated the two youth and processed the incident with the facility's mental health staff. The staff sexual misconduct case was investigated and the staff was removed from duty and dismissed by the provider.

Mentor Maryland- The substantiated case of youth-on-youth abusive sexual contact involved two youth, one male and one female who engaged in consensual touching and kissing. Corrective action was taken by the provider.

ACCOMPLISHMENTS

The Department of Juvenile Services continues to work unceasingly to reduce and eliminate sexual abuse and harassment in all facilities. An integral part of eliminating sexual abuse and harassment is to ensure compliance with each standard established by the Department of Justice. The Department's designated PREA Coordinator is responsible for oversight of the agency's efforts to comply with the PREA standards. Each facility has a designated PREA Compliance Manager to assist in these efforts. The Compliance Managers meet quarterly with the PREA Coordinator to review and evaluate facility operating procedures and agency wide systems that support PREA compliance.

The Department has five staff that has earned Department of Justice certification as PREA auditors. The auditors along with the PREA Coordinator and Compliance Managers conducted mock audits at each facility. Technical assistance was provided to each site to ensure that facilities met the agency's goal for full compliance.

The Department has continued working with the Maryland Department of Public Safety and Correctional Services implementing the Department of Justice- PREA "Zero Tolerance" Cultures for Sexual Assault in Correctional Facilities Grant. The Department completed several projects to enhance prevention planning, reporting, staff training, youth education, and auditing. The agency contracted with Big Picture Incorporated to improve the youth education curriculum by creating a youth orientation video and staff instructional videos.

For a second straight year, over 1,100 DJS direct care staff, behavioral health and medical professionals participated and completed the initial and refresher PREA training. All behavioral health professionals, medical staff, and agency investigators completed the National Institute of Corrections Online Specialized Training for sexual assault victims in a confinement setting.

DJS contracts with Maryland 211 to establish and permit youth unfettered access to live hotline phone services to report incidents of sexual abuse and harassment to an outside entity.

The Governor's Office of Crime Control and Prevention provided additional grant funding which assisted the Department in making physical plant improvements to renovate bathrooms to provide youth more privacy to shower, perform bodily functions, and change clothing. Enhancements to facility video surveillance systems were completed at all DJS facilities. The upgrades of cameras and hardware have increased overall camera coverage to reduce blind spots, support administrators with incident review, and improve staff supervision position and posting.

With the assistance of Maryland Coalition Against Sexual Assault (MCASA) and TurnAround Incorporated, both agencies provided staff with victim advocacy training. Department staff received additional training to serve as "qualified agency staff members" to respond and support

victims pending the arrival of an advocate from the local rape crisis and recovery center. The Department has thirty (30) qualified DJS staff members located throughout the state to serve in this role.

The Department contracted with Correctional Management & Communication Group to complete facility audits at thirteen (13) facilities. The first seven facilities were audited in Year Two of Cycle One (8/20/2014 – 8/19/2015) resulting in all seven facilities meeting or exceeding the PREA standards. The remaining six facilities were audited in Year Three of Cycle One (8/20/2015 – 8/19/2016.) All six facilities earned full compliance with the PREA Standards. The final reports for all thirteen facilities are posted on the Department's website.

The Maryland Department of Juvenile Services will continue its commitment to provide for the safety and well-being of the youth we serve. We continue to invest resources to educate our youth, train our staff, modify our operating procedures, and upgrade our physical plants to support the prevention, detection, reporting and investigating of all forms of sexual abuse.

Sam Abed, Secretary
Maryland Department of Juvenile Services